
Packet

Post Judgment Divorce/Paternity

Stipulation and Order To Amend Judgment for Support/Maintenance/Custody/Placement and Arrears

A stipulation is a formal written agreement between parties to change a current court order or judgment. Because this is a stipulation, neither party will have to appear in court. If this agreement is approved and signed by the judge, it becomes a court order. **Do not** submit this form to the court without the other party's signature, as the court will not contact the other party to obtain it. You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as the court staff, including those in the Self-Help Center, cannot give legal advice.

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Procedural Checklist

1. ☐ Complete the **Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement** form. If you have agreed to modify an arrears balance, also complete the **Arrears Addendum**. Only complete the sections that you have agreed to change. If a section is left blank, the Court will assume that you do not want to change that part of your order. Line-by line instructions to complete the form follow.
2. ☐ You may go to the Family Court Self-Help Center, Courthouse Room C-108, to have your form reviewed for completeness.
3. ☐ Make three (3) additional copies of the **Stipulation and Order**. Prepare two self-addressed stamped envelopes, one addressed to you and one addressed to the other party. If the State of Wisconsin is a party, make one more copy and address one unstamped envelope to the Waukesha County Child Support Division.
4. ☐ Go to the Customer Service window in the Family Court Office, Room C-112 in the Waukesha County Courthouse, to file the original, copies, and envelopes with the clerk. You may also mail all materials to the Family Court Division, PO Box 1627, Waukesha WI 53187-1627.
5. The court will review the documents and either approve and send each party a signed copy of the court order (keep this copy for your records) **or** not approve and return the copies to you.

Instructions for Completing the Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement Form

Page 1 of form:

1. ☐ Complete the caption (top portion) of the **Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement**
 - ☐ Write the name of the County in which you are filing this document.
 - ☐ Mark an **X** in the box to indicate if this matter is in relation to a Marriage (if you and the other party were at one time married) or a Paternity (you and the other party have children together but were never married to each other). If Paternity, write the initials of the child on the line below.
 - ☐ Write the first name, middle initial, and last name of the parties in the same order in which it appeared in your original Divorce or Paternity papers. If you were the Petitioner in the original action, then you are still the Petitioner and vice versa.
 - ☐ Write your case number (also write your case number on the top of each page) and below that write in the IV-D KIDS Case Number.
2. ☐ Continue to fill out the form by completing only those sections that you and the other party have agreed to change. If a section does not apply, leave it blank and the court will assume you are not making any changes.

Section 1: Complete Section 1 **ONLY** if you have a new agreement that will change the current child support order by marking the box next to the number 1 and then completing sections 1a, b, c, d, **and** Section 3 on page 2.

Section 1a. Child Support Current Information: This section collects information about what is **currently** ordered for child support.

- ☐ If the payer in your case pays a fixed dollar amount, check the box by the dollar sign and write the amount that he/she currently pays.
- ☐ If he/she pays a percentage of his/her gross income, check the box by the percent sign and write in the percent of income he/she is ordered to pay.
- ☐ Finally, write in how often the payer is ordered to pay the support (weekly, bi-weekly, semi-monthly, monthly). If neither party currently pays support, write zero on the first blank line.
- ☐ Write in name of party who currently pays the support. If no support is currently ordered write NA.
- ☐ Write in the father's **current** gross income and indicate if that amount is paid per year, month, week, etc.
- ☐ Write in the mother's **current** gross income and indicate if that amount is paid per year, month, week, etc.

Section 1b. Changes: This section collects information about what you are requesting the new child support order to be.

- ☐ Write in the name of the person who will be paying child support.
- ☐ If the payer will pay a fixed dollar amount (the same amount is always paid even if income varies), mark the box next to the dollar sign and then write in the amount the payer will pay and write in how often the payer will make the payment. If you and the other party have agreed to an amount other than a fixed dollar amount, you must mark the "other" box and provide a detailed description of the payment.
- ☐ **Write the date on which you want your agreement to go into effect (commencing date).**

Section 1c. Check either 1 or 2: Check 1 if the new child support amount is based on the Child Support Guidelines (see attached) and then mark on which guideline it is based. If it is not based on a guideline, check number 2 and write the amount it would be if you had used the guideline. In the space provided, write how you calculated the amount that you did use and the reasons you did not use the guidelines.

Section 1d. Mark whether this is/is not an "annual adjustment." It is considered to be an annual adjustment if you were ordered to change the child support every year based on yearly wage increases and that is the reason you are changing the order.

Section 2: Complete Section 2 ONLY if you have a new agreement that will change the current maintenance or family support order by marking the box next to the number 2 and then completing all blanks. You must also complete Section 3 on page 2.

- ☐ Mark whether your agreement changes maintenance or family support.
- ☐ Write the name of the party who will be making the new payments. If this agreement requests that the payments stop, write NA.
- ☐ If the payer will pay a fixed dollar amount, mark the box next to the dollar sign and then write in the amount the payer will pay, and how often the payer will make the payment. If you and the other party have agreed to an amount other than a fixed amount, you must mark the "other" box and provide a detailed description of the payment.
- ☐ **Write the date on which you want your agreement to go into effect (commencing date).**
- ☐ Mark whether this is/is not an "annual adjustment." It is considered to be an annual adjustment if you were court ordered to change the family support every year based on yearly wage increases and that is the reason you are changing the order.

Page 2 of form:

Section 3: Complete this section if you are changing or stopping child support, maintenance, or family support payments in Sections 1 or 2. **It is very important that you fill out this section completely and correctly so the payer's employer is promptly and correctly notified of the new amounts to be withheld.**

- ☐ Fill in the name, address, and telephone number of the payer's employer or their source of income. Please include all employers and all other sources of income.

Section 4: Complete this section **ONLY** if you and the other party have agreed to change **Arrears** or an additional order related to money or financial issues. If you have agreed to change **arrears balances**, mark the box to attach additional sheets and complete the **Arrears Addendum** (instructions follow). When complete attach the addendum to page 3 of this form. For all other financial agreements, include as much detail as possible and attach an additional sheet(s) if necessary.

Section 5: Complete this section **ONLY** if you and the other party agree to change the legal custody (major decision making responsibilities) of a child(ren).

- ☐ Write the name of the child(ren) whose legal custody will be changed and how you agree to change the legal custody. Legal custody can be shared between the parties (joint legal custody) or given to only one parent (sole legal custody).
- ☐ State how the legal custody of the named children should be changed.

Section 6: Complete this section **ONLY** if you and the other party agree to change a child(ren)'s periods of physical placement (with whom the child(ren) lives or spends his/her time).

- ☐ Name the child(ren) whose physical placement will be changed.
- ☐ State how periods of physical placement of the named children should be changed. Be as specific as possible.

Section 7: Complete this section if you and the other party will be changing parts of your current court order that are not related to money or financial issues. Include as much detail as possible and attach additional sheets if necessary.

Page 3 of form:

Signature Boxes: Both parties must date and sign this section. Make sure the daytime telephone numbers and addresses of each party are included. If either party has an attorney, the attorney section(s) must also be completed by the attorney(s).

Child Support Agency Section: The **Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement** must be taken to the Child Support Division in Room 348 of the Administration Center for signature of an attorney **before filing it with the Family Court Office**. The Managing Attorney will decide whether the stipulation is approved or not approved. If you are not sure whether the State of Wisconsin is a party to this action, you may call the Child Support Division at (262) 548-7420. The Staff in the Court Self-Help Center may also assist with this section.

Once completed, be sure to review all information very carefully before filing.

Instructions for Arrears Addendum

1. Mark an **X** in the box if an arrears balance is showing on your account, payments were made directly between the parties, and you agree to request credit for them in the KIDS System.

Mark an **X** next to the type of payment that was made and write the total amount of the payment on the line.

2. Mark an **X** in the box if the parties agree that the arrears balances should be adjusted. In other words, the two of you agree that the payments do not need to be made to reduce the balance, but that the balance will be forgiven.

Mark an **X** next to the type of arrears balance that you agree to change and write the amount at which you want the new balance to be set. If you are canceling the arrears, write \$0.

3. Write the date on which you want the adjustments to take effect.
4. If an arrears balance remains (you did not set the arrears balance to zero) and the owing party would like to make additional payments to pay off the remaining balance, write the date on which those payments shall begin, write the amount the payment should be each month, and write the payer's employer information.
5. Attach to page 3 of the **Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/Placement**.

Do not forget to mark the box "See ____ attached pages" in #4 on page 2 of the Stipulation.

Child Support Percentage of Income Standards

Determine Child Support Using the Income Standard

Except as provided in s. DWD 40.04 (4) and (5), the percentage of the parent's monthly income available for child support or adjusted monthly income available for child support that constitutes the child support obligation shall be:

17% for 1 child

25% for 2 children

29% for 3 children

31% for 4 children

34% for 5 or more children

Percentage amount must be expressed as a fixed sum in most cases as stated in s. 767.08, Stats.

Special Circumstances

There are instances when child support may be determined under special circumstances as follows and other specific formulas apply:

| | |
|-------------------------------|--|
| Serial-Family Payer | A payer with an existing legal obligation for child support who incurs an additional legal obligation for child support in a subsequent family as a result of a court order. See DWD 40.04 (1). |
| Shared-Placement Payer | A parent who has a court-ordered period of placement of at least 25%, is ordered by the court to assume the child's basic support costs in proportion to the time that the parent has placement of the child, and is determined to owe a greater support amount than the other parent under the calculation in s. DWD 40.04 (2)(b). See DWD 40.04 (2). |
| Split Placement Payer | A payer who has 2 or more children and who has physical placement of one or more but not all of the children. See DWD 40.04 (3). |
| Low Income Payer | A payer for whom the court uses the monthly support amount provided in the schedule in Appendix C based on the court's determination that the payer's total economic circumstances limit his or her ability to pay support at the level provided under s. DWD 40.03 (1) and the payer's income available for child support is at level set forth in the schedule in Appendix C. See DWD 40.04 (4). |
| High Income Payer | A payer who makes an annual gross income greater than or equal to \$84,000. See DWD 40.04 (5). |

For further details, refer to Chapter DWD 40 of the Wisconsin Administrative Code and Wisconsin Statute 767 Actions Affecting the Family. (Choose "Wisconsin Law" on <<http://www.legis.state.wi.us>>).

IN RE: ☐ MARRIAGE ☐ PATERNITY OF**Stipulation and Order to
Amend Judgment for
Support/Maintenance/
Custody/Placement**

Petitioner/Joint Petitioner:

and

Respondent/Joint Petitioner:

Case No. _____

IV-D KIDS Case No. _____

The parties agree that the judgment in this case should be changed as follows, and that the court may enter this stipulation as an order without further hearing. *(If the space given is insufficient for any item, add additional sheets.)*

☐ 1. ***(If changing child support, complete this section 1 a, b, c, and d and section 3 on page 2.)***

a. Child support current information:

Current support ☐ \$ _____ ☐ _____% of gross income per (frequency) _____.

Name of payer: _____.

Father's gross income is \$ _____ per (frequency) _____.

Mother's gross income is \$ _____ per (frequency) _____.

b. Child support shall be changed as follows:

Name of payer: _____

shall pay ☐ \$ _____ per (frequency) _____☐ Other (specify): _____

commencing (date) _____.

c. This change in child support

- ☐ 1. is based on ☐ percentage standard calculation ☐ serial-family payer calculation
☐ split-placement calculation ☐ low-income payer calculation
☐ shared-placement calculation* ☐ high-income payer calculation

*☐ See attached pages for variable cost details.

- ☐ 2. deviates from the guideline amount of \$ _____ because: ☐ See _____ attached pages.

d. This ☐ is ☐ is not an "annual adjustment" under §767.33, Wisconsin Statutes.☐ 2. ***(If changing maintenance/family support, complete this section and section 3 on page 2.)***☐ Maintenance ☐ Family support shall be changed as follows:

Name of payer: _____

shall pay ☐ \$ _____ per (frequency) _____☐ Other (specify): _____

commencing (date) _____.

This ☐ is ☐ is not an "annual adjustment" under §767.33, Wisconsin Statutes.

☐ 3. **(Complete only if changing financial provisions in sections 1 or 2.)**

The payer's employer(s)/source(s) of income assignment is/are:

| | |
|------------------------|------------------|
| Name | Telephone Number |
| Address/City/State/Zip | |
| Name | Telephone Number |
| Address/City/State/Zip | |

☐ 4. Additional financial provisions are as follows: ☐ See ____ attached pages.

☐ 5. **(Complete only if changing legal custody.)**Legal custody of the following named child(ren) shall be changed as follows: ☐ See ____ attached pages.

☐ 6. **(Complete only if changing periods of physical placement.)**

Periods of physical placement of the following named child(ren) shall be changed as follows:

☐ See ____ attached pages.

☐ 7. Additional non-financial provisions including commencement date(s) are as follows:☐ See ____ attached pages.

| | |
|--|--|
| Signature of Mother | |
| Date | |
| Daytime Telephone Number (Including Area Code) () | |
| Address of Mother | |

| | |
|-----------------------------------|------------------------------|
| Signature of Attorney, if any | |
| Name of Attorney Printed or Typed | |
| Date | Telephone Number () |

| | |
|--|--|
| Signature of Father | |
| Date | |
| Daytime Telephone Number (Including Area Code) () | |
| Address of Father | |

| | |
|-----------------------------------|------------------------------|
| Signature of Attorney, if any | |
| Name of Attorney Printed or Typed | |
| Date | Telephone Number () |

Child Support Agency Action:

- ☐ Approved
☐ Not approved because: _____
☐ Not required

Signature of Child Support Agency Representative

Date

THE COURT ORDERS:

1. This stipulation is approved and the judgment is amended accordingly.
2. All provisions of the previous judgment not amended by this order remain in full effect.

Distribution:

1. Court Original
2. Child Support Agency (if necessary)
3. Family Court Commissioner
3. Petitioner/Petitioner's Attorney
4. Respondent/Respondent's Attorney

BY THE COURT:

Signature of Circuit Judge/Circuit Court Commissioner

Name Printed or Typed

Date

Arrears Addendum

Case No.: _____

Subject to the approval of the Court, the parties agree to the following terms:

1. ☐ **Direct Payments**

Support or other payments have been made by the payer directly to the other party. The parties agree to change the arrears balances on the KIDS computer system to give credit for the direct payments. The arrears may be reduced by the amount of the direct payments: (Write the amount of the direct payment in the blank.)

- ☐ **Child support** direct payment of \$ _____
☐ **Maintenance** direct payment of \$ _____
☐ **Family support** direct payment of \$ _____
☐ **Other** direct payment \$ _____ (Specify type of payment) _____

2. ☐ **Arrears Balances**

The parties agree and the Arrears Balance(s) shall be changed on the KIDS computer system as follows:

- ☐ **Child support** arrears set to the balance of \$ _____
☐ **Child support** interest arrears set to the balance of \$ _____
☐ **Maintenance** arrears set to the balance of \$ _____
☐ **Family support** arrears set to the balance of \$ _____
☐ **Other** arrears set to the balance of \$ _____
(Specify type of arrears) _____

3. All **Direct Payments/Arrears Balance** credits shall be made effective as of

_____, _____, _____
(Month) (Day) (Year)

This Order only affects arrears between the parties and does not affect arrears due to the State of Wisconsin.

4. ☐ **Arrears Payments**

Beginning on _____, 20____ the payer shall pay the arrears as follows:
(Month) (Day) (Year)

The **monthly** amount of \$ _____ by income assignment until further order of the court.

(Employer's Name)

(Street Address)
_____, _____, _____
(City) (State) (ZIP Code)